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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairman

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto of 1977, 4/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling, in particular, Human Rights Commission resolution 1995/74 of 8 March 1995, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

and requested him to consider submitting a report to the General Assembly at its fiftieth session, and Economic and Social Council decision 1995/285 of 25 July 1995, in which the Council approved the Commission's decision,

Noting that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Deeply concerned at reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned, in particular, at the situation of women and children, especially regarding access to basic education for girl children and access by women to employment, training and their effective participation in the political and cultural life throughout the country,

Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations as well as by the International Committee of the Red Cross and other humanitarian organizations,

Noting with satisfaction that the voluntary repatriation of the Afghan refugees has resumed,

Taking note with appreciation of the interim report of the Special Rapporteur on the situation of human rights in Afghanistan, 5/ of the conclusions and recommendations contained therein and of the translation of previous reports into the Dari and Pashtu languages,

1. Welcomes the cooperation that the Government and local authorities in Afghanistan have extended to the Special Rapporteur as well as to humanitarian agencies;

2. Urges all the Afghan parties to work with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the people of Afghanistan;

3. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the

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crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

4. Urges all the Afghan parties to respect accepted humanitarian rules and all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in the social, political and cultural life throughout the country;

5. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply the Amnesty Decree issued in 1992 by the Transitional Islamic State of Afghanistan in a strictly non-discriminatory manner, to reduce the period during which prisoners await trail and to treat all suspected, convicted or detained persons according to relevant international instruments;

6. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations of human rights and accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

7. Appeals to Member States and to the international community to continue to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries pending their voluntary repatriation according to relevant international instruments, in particular through the support of activities such as mine detection and clearance and repatriation projects undertaken by the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance programmes relating to Afghanistan and other United Nations agencies or non-governmental humanitarian organizations;

8. Strongly urges all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

9. Invites the United Nations to offer, upon request of the Afghan authorities and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of a Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

10. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul Museum;

11. Urges the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

12. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

13. Decides to keep under consideration at its fifty-first session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.